INVESTIGATIVE SUMMARY

INTERNAL AFFAIRS BUREAU

DEPUTY INVOLVED HIT SHOOTING

INVESTIGATIVE SUMMARY

CASE NUMBER: **SH2399501**

SUSPECT: **Angel Montion, 02/27/1983**

UNIT/DIVISION: **Special Enforcement Bureau/Special Operations Division**

DATE/TIME/DAY: **March 30, 2016, 1525 hours, Wednesday**

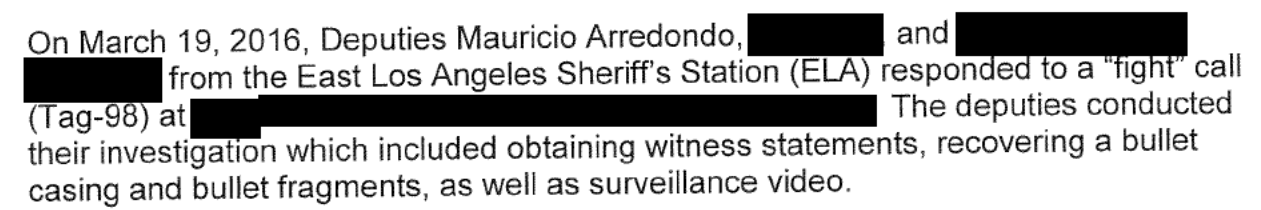
LOCATION: [redacted] **Northside Drive, Los Angeles, CA, 90022**

On March 30, 2016, Internal Affairs Bureau (IAB) Lieutenant David Grall, Sergeants Jeff Hamil and Jesus Carrasco, responded to [redacted] Northside Drive, Los Angeles, regarding a deputy-involved shooting. Suspect Montion sustained four gunshot wounds **(Exhibit A, pages 194-195)** and was transported to USC/LAC Medical Center where Suspect Montion was pronounced deceased **(Exhibit A, page 3)**.

Sergeant Marc Boskovich and Detective Louie Aguilera, under the supervision of Lieutenant Jose Mendoza, from the Los Angeles County Sheriff's Department Homicide Bureau, arrived and assumed control of the investigation. For further information, refer to the Los Angeles County Sheriff's Department Homicide case book under file number 016-04651-0287-013 **(Exhibit A)**.

Lieutenant Grall took reasonable steps to ensure involved personnel and witnesses did not discuss the incident amongst themselves, or with uninvolved persons prior to being interviewed by the assigned investigators. In addition, IAB Lieutenant Grall confirmed the involved personnel gathered in the company of a supervisor until they provided a statement to the assigned investigators.

SYNOPSIS:



On March 19, 2016, Deputies Mauricio Arredondo, [redacted] and [redacted] [redacted] from the East Los Angeles Sheriff's Station (ELA) responded to a "fight" call (Tag-98) at [redacted] The deputies conducted their investigation which included obtaining witness statements, recovering a bullet casing and bullet fragments, as well as surveillance video.

They documented their actions and observations in a report and determined an assault with a deadly weapon and kidnapping occurred (916-04074-0276-051).

A suspect (later identified as Suspect Montion) was captured on surveillance video, striking the victim on the head and knocking the victim to the ground. While the victim was on the ground, Suspect Montion fired one round at him from a handgun. The victim attempted to flee on foot. Suspect Montion prevented him from escaping by pointing a handgun at the victim's head and chest. Suspect Montion walked the victim to a red pickup truck and the victim was made to get into the passenger's seat. The red truck, driven by Subject Montion, drove south on Rowan Avenue.

Detective [redacted] from the Los Angeles County Sheriff's Department Major Crimes Bureau (MCB) responded to the location and assumed investigative responsibility.

> **IAB Note: A copy of the East Los Angeles Sheriff's Station and MCB reports are included in (Exhibit A, pages 90-135). A copy of the video surveillance is included in (Exhibit D).**

Detective [redacted] positively identified the suspect as Suspect Montion. The victim was found on March 20, 2016, and treated for his injuries at the Los Angeles County Medical Center. Detective [redacted] obtained an arrest warrant (LACB44528401) for Suspect Montion. A criminal complaint was filed against Suspect Montion for the following charges: Kidnapping, 207(a) P.C., Robbery, 211 P.C., and Attempted Murder, 664/187(a) P.C.

On March 30, 2016, MCB Surveillance Apprehension Team number one (SAT #1) consisting of Sergeant [redacted], Detective [redacted] and [redacted], were assigned to locate and arrest Subject Montion. Based upon information SAT #1 obtained from Detective [redacted], it was determined Suspect Montion was residing at [redacted]. SAT #1 began surveilling the location at approximately 0700 hours. At approximately 0950 hours, Suspect Montion exited the location, along with an unknown female, and walked south in the alley to the east. SAT #1 followed them and positively identified the male as Suspect Montion. SAT #1 requested Aero Bureau to respond and SAT#1 followed Suspect Montion, who approached Northside Drive. During the course of the surveillance operation, Suspect Montion separated from the unknown female, who walked away and was no longer surveilled.

An Aero Bureau airship arrived overhead and was provided a description of Suspect Montion. The airship observer could not locate Suspect Montion, who was last seen by SAT #1 on Northside Drive, approximately six houses east of Service Street.

SAT #1 immediately set a containment of the area and requested units from East Los Angeles Station (ELA) to assist. A Special Enforcement Bureau K-9 unit was requested to respond to assist with the search.

Containment of the area was established at approximately 1000 hours. Approximately ten to fifteen minutes later, Ms. [redacted] (Witness [redacted]) contacted Detective [redacted] and said a male Hispanic broke into her house and forced her and her children to leave. Witness [redacted] lived in the converted garage of [redacted] Northside Drive, hereby referred to as the rear residence. Witness [redacted] positively identified the male Hispanic as Suspect Montion when shown a photograph. Based on the information, MCB Detectives evacuated the front residence of [redacted] Northside Drive and requested members of the Special Enforcement Bureau (SEB) to respond. Upon arrival of SEB, MCB Detectives were released from their containment positions.

IAB Note: A copy of MCB SAT #1 Operations Plan is included in the IAB casebook as (Exhibit B). A copy of MCB SAT #1 surveillance log and supplemental report is included in (Exhibit A, pages 134-137).

SEB deputies from the "Grey" and "Tan" teams responded to [redacted] Northside Drive and arrived at approximately 1130 hours. The SEB team leader was Sergeant Boucher. SEB Deputies Hilgendorf and Diliberti were tasked with developing a tactical plan. SEB had a containment set and evacuated the residences on the east and west sides of [redacted] Northside Drive at approximately 1145 hours. SEB Deputies Pokorny and Francois were positioned in the front house of [redacted] Northside Drive with a direct line of sight to the rear residence, approximately fifteen yards from the front house. A search and arrest warrant **(Exhibit A, pages 85-89)** was obtained and delivered to the command post at 1238 hours.

At approximately 1250 hours, Suspect Montion used a cellular phone to call 911. The call was answered by Deputy Ricardo Hernandez, [redacted] at the East Los Angeles Sheriff's Station dispatch center. Suspect Montion said he needed time to think and would walk out. Deputy Hernandez attempted to instruct Suspect Montion on how to surrender, but Suspect Montion terminated the call **(an audio copy of the 911 phone call is included in Exhibit D)**. The Crisis Negotiations Team (CNT) arrived at the command post and captured the cellular phone number. CNT began to call and text Suspect Montion's cellular phone.

At 1304 hours, Suspect Montion opened the interior door of the rear residence and looked out through the closed metal security screen, then closed the door. At approximately 1315 hours, Deputy Diliberti, who was positioned in the front house, had a conversation with Suspect Montion through the closed metal security screen. Suspect Montion told Deputy Diliberti he (Suspect Montion) wanted to make some phone calls and have time to himself, then he would surrender **(Deputy Diliberti's Homicide and IAB interview)**.

For approximately two hours, SEB and CNT personnel made numerous public address announcements (PA), phone calls, text messages and verbal announcements for Suspect Montion to surrender in both Spanish and English. At approximately 1349 hours, SEB deputies deployed a noise flash diversion devise (flashbang) in the yard west of the rear residence in an attempt to startle and convince Suspect Montion to surrender. He did not comply **(a copy of the CNT log is included in Exhibit A, pages 83-84)**.

At 1442 hours, Deputy Adragna drove and positioned an armored tactical tractor (Tac Cat) in front of the rear residence. The Tac Cat is equipped with a PA system and an elevating boom, with an affixed multi-function attachment that can manipulate as a claw. The boom also has the ability to deploy CS gas. A copy of definitions and photographs of the equipment and terminology utilized by SEB is included in **(Exhibit A, pages 73-77)**. Deputy Adragna made numerous PA announcements from his position, seated in the Tac Cat. He instructed Suspect Montion to surrender. After several failed attempts to establish communication with Suspect Montion, a flashbang device was deployed in front of the rear residence in an attempt to coerce him to surrender or re-establish any form of communication.

At 1448 hours, Deputy Adragna removed the outer metal security screen from the rear residence, utilizing the extended claw on the Tac Cat. Deputy Adragna then forced opened the interior door, using the extended claw, pushing furniture and other items inward which had been placed by the door as a barrier. By removing the metal security screen and pushing the interior door and barrier inward, Deputy Adragna cleared a path for Suspect Montion to exit and surrender. The door removal was also necessary to provide access for SEB team members, should the need arise to enter the rear residence. Additional PA announcements were made for Suspect Montion to surrender, but he did not respond.

At 1504 hours, Sergeant Boucher directed four 40mm CS liquid chemical agent ferrets (non-pyrotechnic) to be fired into the rear residence. The liquid chemical agent was ineffective and Suspect Montion did not surrender or attempt to contact anyone. Additional PA announcements were made and no response was received from Suspect Montion. With Los Angeles County Fire Department personnel standing by, at 1528 hours pyrotechnic CS gas (hot gas) was deployed into the rear residence. The CS gas was successfully deployed and began to saturate the building, although two CS gas canisters, which were attached to the boom of the Tac Cat, failed to ignite. Deputy Adragna reversed the Tac Cat away from the front door of the rear residence. Based on the deployment of CS hot gas, SEB personnel donned their gas masks.

As Deputy Adragna backed the Tac Cat from the door, Suspect Montion appeared at the door with a bandanna covering his nose and mouth. Suspect Montion had his right hand hidden behind his back and appeared to be looking from side to side for deputy personnel. Deputy Francois and Diliberti were in the rear bedroom of the front house (south west) and had an unobstructed view of Suspect Montion, who was approximately forty-five feet away from them.

The deputies observed Suspect Montion move his right hand from behind his back, to the right side of his right leg. The deputies saw Suspect Montion held a large handgun in his right hand. Deputy Diliberti announced over the radio that the Suspect was armed. Suspect Montion began to look around as if to locate a deputy for a target and he exited the rear residence, taking a couple of steps to the east. Deputy Francois feared Suspect Montion was going to shoot at the containment deputies.
He knew deputies were positioned on the east side, an arrest team was staged at the mouth of the driveway, north of the front house, and Deputy Adragna was approximately six feet from Suspect Montion operating the Tac Cat.

Fearing everyone within the containment was in imminent danger of being shot by Suspect Montion, Deputy Francois fired two rounds from his Department issued Heckler and Koch MP/5. The rounds struck Suspect Montion who turned to his right, still holding the firearm in his right hand. Deputy Francois fired two additional rounds at Suspect Montion striking him. Suspect Montion dropped the firearm and he fell to the ground, face down.

Emergency Services Bureau (ESD) Paramedics, Deputies Daniel Aleman, [redacted] and Jennifer Shepard, [redacted] immediately began lifesaving measures including CPR (Cardio Pulmonary Resuscitation) on Suspect Montion. They continued CPR on Suspect Montion for approximately one hour until while Suspect Montion was transported to the hospital. Suspect Montion was pronounced deceased by Doctor Eiting at the Los Angeles County USC Medical Center at 1637 hours.

DISTRICT ATTORNEY'S LETTER OF OPINION:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office reviewed the shooting of Suspect Montion by Deputy Francois. In their letter of opinion **(Exhibit B)**, dated September 20, 2017, Deputy District Attorney Shannon Presby concluded Deputy Francois acted lawfully in the self-defense of others.

INVOLVED PERSONNEL:

Francois, Ervin, Deputy, [redacted]
Special Enforcement Bureau

MB/38, 5-10, 183 lbs. Right Handed

Date of Employment: 11/10/1998
Date assigned to SEB: 05/22/2011
Prior Shooting Incidents: [redacted]

SUSPECT:

Montion, Angel, Humberto, MH/33, DOB: 02/27/1983, 5-6, 180 lbs.

The Consolidated Criminal History Reporting System revealed Suspect Montion had [redacted] **(Exhibit A, pages 138-175)**.

DEPARTMENT WITNESSES:

Boucher, Russell, (SEB), [redacted]
Diliberti, Richard, (SEB), [redacted]
Adragna, Nic, (SEB), [redacted]
Hilgendorf, Kevin, (SEB), [redacted]
Pokorny, Michael, (SEB), [redacted]

NON-DEPARTMENT WITNESS:

[redacted] FH, [redacted]

SUSPECT INJURIES:

Suspect Montion sustained four gunshot wounds to the torso, left arm and back. He was pronounced deceased by Doctor Eiting at the Los Angeles County USC Medical Center at 1635 hours. The Los Angeles County Coroner's report, under case number 2016-02492, is included with this report **(Exhibit A, pages 194-224)**.

EMPLOYEE INJURIES:

None.

PHYSICAL EVIDENCE:

Numerous items of evidence were collected by personnel from the Los Angeles County Sheriff's Department Scientific Services Bureau (crime lab). Suspect Montion's firearm was among the items recovered and collected as evidence. Crime scene sketches and legends are included **(Exhibit A)**. A CD containing incident scene and autopsy photographs is included **(Exhibit D)**. A list with descriptions of evidence collected by the Crime Lab is included in the IAB case book **(Exhibit A, pages 181-185)**.

DISTANCES:

Distances of shots fired were estimated at four yards. Measurements by the Crime Lab are included in the IAB case book **(Exhibit A, pages 178-180)**.

INVESTIGATORS OBSERVATIONS:

The scene was described in detail by Los Angeles County Sheriff's Department Homicide Bureau investigators and documented with photographs. The scene description covered the entire incident and shooting location **(Exhibit A pages 50-54)**. The descriptions were consistent with the observations of the IAB investigators who responded to the scene.

REVIEW OF RADIO TRANSMISSIONS:

The SEB radio traffic was broadcast on Special Unit Dispatch (SUD'S), which is a secured frequency and not recorded.

WEAPONS USED BY DEPARTMENT PERSONNEL:

Deputy Francois

Service Weapon type:	Heckler & Koch MP5 9MM Sub-Machine gun
Rounds Fired:	4
Type of Ammunition:	Department issued 147gr. (Win) 9mm Luger
Date Employee Last Qualified:	[redacted]
Equipment:	Full SEB response gear, gas mask

WEAPON USED BY SUSPECT:

Suspect Montion was armed with a "Hi-Point," semi-automatic, black, 40 caliber firearm, serial number X766068. The firearm contained one magazine loaded with eight, "Tulammo," 40 caliber S&W rounds, and one round in the chamber.

PROPERTY DAMAGE:

The property damage is described in **(Exhibit A, page 25)**.

CRIMINAL INVESTIGATORS/CHARGES FILED:

Investigators: Los Angeles County Homicide Detectives Marc Boskovich and Louie Aguilera.

Charges: None, Suspect deceased.

LIGHTING AND WEATHER CONDITIONS:

The incident took place on a clear, sunny day, at approximately 1525 hours.

STATEMENTS:

DEPARTMENT PERSONNEL

Los Angeles County Sheriff's Department Homicide Bureau investigators interviewed the following Department personnel: Sergeant [redacted] Deputies [redacted] from MCB; Sergeant Boucher, Deputies Adragna, Diliberti, Hilgendorf, Pokorny and Francois from SEB; Deputies Aleman and Shepard from SEB ESD. The interviews were summarized **(Exhibit A, pages 34-40, 42-44, 60-63, 64-72 and 78-82)**. Los Angeles County Sheriff's Department Homicide Bureau investigators provided a CD **(Exhibit D)** with the audio recordings of the interviews. Internal Affairs Bureau investigators interviewed the following Department personnel: Sergeant Boucher and Deputies Adragna, Diliberti, Hilgendorf, Pokorny and Francois. Diagrams and photographs used for Deputy Francois' interview are included in the IAB case book **(Exhibit E)**.

IAB investigators had the interviews transcribed. For verbatim statements, see the attached transcribed interviews in the IAB case book.

Deputy Ervin Francois

Deputy Francois stated on March 30, 2016, he was assigned as a member of SEB's "Tan Team." He was at SEB headquarters preparing for a search warrant, when over the radio he heard the "Grey Team" deployed to a possible hostage, barricaded suspect call out. He and other members of the "Tan Team" were deployed to assist. Deputy Francois responded to the location and was assigned to the "Containment 1" position, which was at the southwest rear bedroom of the front house. From his position he had an unobstructed view of the rear residence, from an approximate distance of fifteen yards. Deputy Francois was designated "Lethal" containment if the situation dictated the use of deadly force. Deputy Francois stated while he was on the containment he was advised all occupants of the rear residence had been allowed to leave, so the incident had changed from a hostage rescue to a barricaded suspect scenario. Deputy Francois remained as the designated team member to apply lethal force, for the entire incident, if it became necessary.

Deputy Francois stated PA announcements were made for approximately one and a half hours. Suspect Montion opened the front door on one occasion and had a short conversation with Deputy Diliberti. He heard the Suspect tell Deputy Diliberti that he (Suspect Montion) would surrender but needed more time to get his "head straight," and make some phone calls. He heard Deputy Diliberti tell Suspect Montion that the Suspect's family was worried about him. He also heard Deputy Diliberti tell him to give up and that they (SEB) did not want to hurt him. Deputy Francois stated there was no further contact with Suspect Montion by SEB or CNT.

Deputy Francois stated after the hour and a half time period, flashbang devices were deployed in an attempt to convince Suspect Montion to surrender. The flashbang devices had no effect and there was no contact with Suspect Montion. Approximately thirty minutes to an hour after the flashbang devices were deployed, Deputy Adragna drove the Tac Cat to the rear residence and removed the security screen and pushed the front door open. Deputy Francois could see inside of the rear residence and observed Suspect Montion had moved items in front of the door, as a barricade. Deputy Francois also could see the television was on. After the front door was opened, "cold gas" was introduced into the residence from the rear containment positions. The "cold gas" had no effect, no contact was made with Suspect Montion, and the PA announcements continued.

Deputy Francois stated approximately fifteen to thirty minutes after "cold gas" was deployed, "hot gas" was introduced into the residence from the rear containment. Prior to the "hot gas" deployment, SEB personnel donned their gas masks. Deputy Francois stated that after about ten minutes, he saw Suspect Montion approach the front door. Deputy Francois observed Suspect Montion was holding a towel over his face with his left hand, and held an unknown object in his right hand. Suspect Montion appeared to be affected by the "hot gas," and it appeared to Deputy Francois Suspect Montion was trying to get his "bearings." Deputy Adragna reversed the Tac Cat away from the front door to allow room for Suspect Montion to exit and surrender. When the Tac Cat backed away from the front door, Deputy Francois could clearly see a black handgun in Suspect Montion's right hand. It appeared Suspect Montion was looking for the containment deputies as he repositioned the handgun from behind his back to holding it down, along his right leg. Deputy Francois heard commands being given to Suspect Montion to surrender. Deputy Francois told Deputy Diliberti he saw a gun, which Deputy Diliberti relayed over the radio to the other team members.

Deputy Francois stated he monitored Suspect Montion's actions. In addition, he knew Deputy Adragna was directly in front of Suspect Montion in the Tac Cat, containment deputies were directly east of Suspect Montion, and the arrest team was staged at the end of the driveway and could not see Suspect Montion. Deputy Francois stated Suspect Montion started to move away from the front door, while still holding the handgun is his right hand. As Suspect Montion moved, it appeared to Deputy Francois Suspect Montion was looking for a target to engage.

Deputy Francois determined Suspect Montion was a deadly threat to the containment personnel and arrest team based on his training and experience. Believing the other deputies were in danger, Deputy Francois fired two rounds from his H&K MP5. Deputy Francois knew the rounds struck Suspect Montion because Suspect Montion groaned and turned to his right. Deputy Francois reassessed and observed Suspect Montion was still holding the handgun and continued to be a threat. Deputy Francois fired two more rounds, striking Suspect Montion, who dropped the handgun and fell to the ground. Deputy Francois maintained his position while the arrest team and paramedics contacted Suspect Montion. He held his position until relieved.

Sergeant Russell Boucher

Sergeant Boucher stated he was the sergeant in command of SEB's "Grey Team." On March 30, 2016, his team responded to the East Los Angeles Station area to assist in a search for a felony, armed and dangerous, suspect. His team responded from Pitches Detention Center (PDC) where they were conducting training. While the team was en route, he learned the suspect was possibly barricaded.

Sergeant Boucher arrived at the command post at approximately 1100 hours. He was briefed by MCB detectives and determined the incident met the criteria for SEB deployment. Sergeant Boucher gave direction for SEB personnel to begin their tactical response.
Sergeant Boucher also interviewed Witness [redacted] Based on information received from Witness [redacted] Sergeant Boucher believed Suspect Montion would become involved in an armed confrontation with deputies.

Once a tactical plan was developed by SEB Team Scout Deputy Hilgendorf, Sergeant Boucher deployed SEB personnel. Sergeant Boucher and Deputy Hilgendorf were positioned in the southeast bedroom of the front residence. Deputies Diliberti and Francois were positioned in the southwest bedroom. Both positions provided a view of the front of the rear residence. It was discovered a metal security gate was located at the southeast portion of the front residence. Deputy Francois was designated with applying deadly force, if it became necessary, as he had a clear line of sight, with no obstruction from his vantage point.

Sergeant Boucher stated PA announcements were conducted in English and Spanish for approximately one and a half hours, in an attempt to convince Suspect Montion to surrender. Sergeant Boucher was aware Suspect Montion called 911 to establish communication and he spoke to SEB containment personnel, stating his intention was to surrender. Sergeant Boucher also knew CNT made multiple attempts to contact Suspect Montion by cellular phone, but the calls went to voicemail. A flashbang device was detonated and Sergeant Boucher saw Suspect Montion open the front door of the rear residence. The metal security screen remained closed as Sergeant Boucher heard a brief conversation between Deputy Diliberti and Suspect Montion. Suspect Montion stated he needed more time to make phone calls before he surrendered. Suspect Montion then shut the front door and PA announcements were continued.

Sergeant Boucher stated after approximately three hours, four canisters of "cold gas" were fired into the residence; there was no response. Deputy Adragna drove the Tac Cat to the rear residence and used the claw to remove the outer metal security screen and front door. Deputy Adragna then used the PA on the Tac Cat to give additional orders for Suspect Montion to surrender. Sergeant Boucher stated there was no response from Suspect Montion so two canisters of "hot gas" were introduced into the residence. Sergeant Boucher stated the plan was to use four canisters, but the two canisters deployed from the Tac Cat failed to deploy properly.

When the "hot gas" was deployed, Suspect Montion appeared at the front door and he motioned for the Tac Cat to back up. Believing Suspect Montion was surrendering, Deputy Adragna was instructed to reverse the Tac Cat. Suspect Montion had a bandanna wrapped around his face and his right hand was hidden behind his back. Suspect Montion "poked" his head out of the front door and looked from left to right, appearing to be looking for deputies. Suspect Montion took a step out of the residence. Sergeant Boucher saw Suspect Montion move his right hand from behind his back, to his right side. Sergeant Boucher saw a handgun in Suspect Montion's right hand. At the same time, Sergeant Boucher heard someone on the radio broadcast Suspect Montion had a gun. Sergeant Boucher stated Suspect Montion was looking around, "Like he's just trying to take a shot at the first person he sees." **(Boucher page 4)**. Suspect Montion then started to move toward the driveway where the arrest team was positioned and approximately six feet from Deputy Adragna who was still seated in the Tac Cat. When Suspect Montion moved toward the driveway, he was shot. The arrest team moved up and Suspect Montion was medically treated by ESD paramedics.

Deputy Kevin Hilgendorf

Deputy Hilgendorf stated on March 30, 2016, he was the scout for the "Grey Team." His team was training at PDC when they responded to an armed and dangerous, barricaded kidnapping suspect. When they arrived at the location, he began to develop a tactical plan. After East Los Angeles Station patrol deputies and MCB Bureau personnel had been relieved from containment positions, PA announcements began. Deputy Hilgendorf was advised that Suspect Montion had a conversation with Deputy Diliberti and he agreed to surrender after he made some phone calls.

Deputy Hilgendorf stated the team had no further contact with Suspect Montion. CNT had not been able to contact Suspect Montion by cellular phone, so the decision was made to initiate the tactical plan. A flashbang device was deployed in front of the rear residence. After receiving no response from Suspect Montion, the Tac Cat was positioned in front of the rear residence. PA announcements were made from the Tac Cat and another flashbang device was deployed. The Tac Cat was used to remove the metal security screen and push open the front door. Deputy Hilgendorf stated he could see inside the residence and it appeared Suspect Montion attempted to barricade the front door with furniture. Additional PA announcements were made, but no response was received from Suspect Montion. The decision to introduce chemical agents was then approved.

Deputy Hilgendorf moved into the front residence so he could monitor the operation. Four rounds of "cold gas" were introduced from the rear containment, followed by additional PA announcements. No acknowledgement from Suspect Montion was received so they (SEB) implemented the "hot gas" plan, which was to insert two canisters in the rear of the residence and two additional canisters in the front from the Tac Cat. Deputy Hilgendorf stated the two canisters deployed from the Tac Cat failed, but the two canisters inserted from the rear were successful. Deputy Hilgendorf instructed the Tac Cat to back up so the two canisters could be replaced.

As the Tac Cat reversed, Deputy Diliberti broadcasted over the radio the Suspect was at the doorway.

Deputy Hilgendorf observed Suspect Montion standing in the doorway holding something in his hand. Deputy Hilgendorf thought Suspect Montion was going to surrender, so he told the Tac Cat to reverse further to allow Suspect Montion to exit the residence. Suspect Montion stepped out of the doorway and Deputy Diliberti broadcast Suspect Montion had a gun. At the same time Deputy Hilgendorf saw a black handgun in Suspect Montion's right hand. Deputy Hilgendorf said Suspect Montion was not surrendering. He appeared to be looking for deputies.
Suspect Montion turned toward the driveway with the gun in his right hand. When Suspect Montion turned, Deputy Hilgendorf heard four gunshots. Deputy Hilgendorf said Suspect Montion fell to the ground. Deputy Hilgendorf was in the southeast bedroom of the front residence and had a clear view of the incident.

Suspect Montion was still moving so Deputy Hilgendorf ordered the "Entry Team" to move up and arrest him and facilitate medical treatment. Deputy Hilgendorf approached Suspect Montion as part of the arrest team. He observed Suspect Montion had his hands extended out in front of him. He also observed the handgun was on the ground, one to two feet away from Suspect Montion. Once Suspect Montion was handcuffed, ESD paramedics started to medically treat him.

Deputy Richard Diliberti

Deputy Diliberti stated on March 30, 2016, he was at PDC conducting training with the "Grey Team." He responded to the location and took a containment position in the front residence of [redacted] Northside Drive. He was positioned by the rear door of the front residence, which was approximately twelve feet from the front door of the rear residence, where Suspect Montion was barricaded. Deputy Diliberti stated after numerous PA announcements, he requested permission to try verbal commands from his position. Deputy Diliberti was successful in making contact with Suspect Montion, who spoke through the metal security screen. Suspect Montion told Deputy Diliberti he was planning to surrender, but he wanted to make a few phone calls and get his mind right. Suspect Montion continued to tell Deputy Diliberti for fifteen or twenty minutes he would surrender, but he needed more time. Deputy Diliberti stated Suspect Montion then shut the door, and that was the last contact anyone had with him.

Deputy Diliberti stated as the tactical plan was initiated, he took a position in the southwest bedroom of the front residence, along with Deputy Francois. When Suspect Montion appeared at the doorway, Deputy Diliberti observed a black handgun in his right hand. Deputy Diliberti broadcast the information over the radio. Deputy Diliberti stated Suspect Montion cleared the doorway by two to three feet. Suspect Montion crouched and brought the handgun to his right side. It appeared to Deputy Diliberti, Suspect Montion was looking for deputies. When Suspect Montion moved toward the deputies' position, Deputy Francois fired four rounds at Suspect Montion.

Suspect Montion fell to the ground and Deputy Diliberti maintained a visual of him as the arrest team approached.

Deputy Nic Adragna

Deputy Adragna was called by SEB desk on March 30, 2016, and directed to respond to SEB to pick up the Tac Cat and respond to the incident location. He was advised he would be operating the Tac Cat. Deputy Adragna arrived at the incident location at approximately 1330 hours, unloaded the Tac Cat, and attached the six foot claw. He attached two canisters of "hot gas" to the front of the claw device.

Deputy Adragna drove the Tac Cat in front of the rear residence and began to make PA announcements from the Tac Cat. Suspect Montion did not respond so flashbang devices were deployed. Deputy Adragna made numerous additional PA announcements instructing Suspect Montion to surrender. "Cold gas" was introduced into the residence and Deputy Adragna again made PA announcements instructing Suspect Montion to surrender, but he did not comply.

Approximately fifteen to twenty minutes later, Deputy Adragna was told to remove the metal security screen using the Tac Cat claw attachment. Deputy Adragna removed the metal security screen and pushed the front door open. Deputy Adragna again made numerous PA announcements for Suspect Montion to surrender, but he did not comply. Approximately fifteen to twenty minutes later, the order to introduce "hot gas" was given. Deputy Adragna attempted to deploy the "hot gas," which was unsuccessful. Deputy Adragna could see gas deployed from the rear of the residence was successful, as he observed gas emitting from the front door. He was instructed to reverse the Tac Cat to provide room for Suspect Montion to exit and surrender. Deputy Adragna reversed the Tac Cat approximately three to four feet. He saw Suspect Montion approach the threshold of the door.

Suspect Montion had a handkerchief covering his mouth, and he held his right hand behind his back. As Suspect Montion stepped out of the doorway, Deputy Adragna observed a black handgun in Suspect Montion's right hand. He said Suspect Montion committed himself to moving toward the east, and it appeared he was trying to acquire a target. Deputy Adragna stated Suspect Montion took two to three steps in the direction of the deputies located on the east containment. He then heard four gunshots. Suspect Montion fell face down and appeared to be on top of the handgun. Deputy Adragna had to remain in the Tac Cat because the doors would not open until he could lower the extended attachment. He exited the Tac Cat after Suspect Montion was removed and transported to the hospital.

Deputy Michael Pokorny

Deputy Pokorny stated he was at SEB headquarters when a call for the "Grey Team" to respond to the incident was dispatched.

Deputy Pokorny was closer to the area, so he responded to assist. He initially was deployed in the southwest bedroom of the front residence, along with Deputy Francois. However, as additional SEB personnel arrived, he moved from room to room, depending upon where he was needed.

Deputy Pokorny covered Deputy Diliberti when Deputy Diliberti spoke with Suspect Montion. Deputy Pokorny positioned himself in the laundry room of the front house. He had a clear view of the front door of the rear residence. Once "hot gas" was deployed, Deputy Pokorny had to shut the dual pane glass window of the laundry room. The glass did not obstruct his view, but it factored into his evaluation of his bullet path in case he had to shoot. Deputy Pokorny saw Suspect Montion as he appeared in the doorway. He saw Suspect Montion held a cloth over his mouth with his left hand and his right hand was held behind the door jamb. Deputy Pokorny stated the boom on the Tac Cat partially blocked his view of Suspect Montion's chest. Deputy Pokorny heard over the radio that Suspect Montion had a gun in his right hand.

Deputy Pokorny stated as Suspect Montion moved in the doorway, he could clearly see the handgun in Suspect Montion's right hand. He stated Suspect Montion moved slowly and methodically as he brought the handgun from behind his back, to the front of his body. Deputy Pokorny heard commands being given to Suspect Montion, but he was unsure if they were verbal or PA announcements. Deputy Pokorny stated as Suspect Montion moved to his right (east), toward the containment deputies, Deputy Pokorny heard three to four shots. He said Suspect Montion dropped the gun and fell face down. Deputy Pokorny stated Suspect Montion attempted to reach for the handgun when he was on the ground, but he did not reach it.

NON-DEPARTMENT PERSONNEL:

Los Angeles County Sheriff's Homicide Bureau investigators interviewed the following witness: Witness [redacted] The interview was summarized **(Exhibit A, pages 33-34)**. Los Angeles County Sheriff's Homicide Bureau investigators provided a CD with the audio recording of the interview **(Exhibit D)**. IAB Investigators had the interview transcribed.

Witness [redacted]

Witness [redacted] stated she was asleep in her bedroom, with her five year old and eight month old daughters, in the rear residence of [redacted] Northside Drive. She was awoken by sounds of breaking glass and the sound of the refrigerator closing. Witness [redacted] saw Suspect Montion in her kitchen drinking a beer. Suspect Montion told Witness [redacted] he would not hurt her, but she needed to leave the residence. Witness [redacted] went back into her bedroom and started to cry. She begged Suspect Montion not to hurt them. Witness [redacted] went back into the kitchen to get a child's car seat. She saw Suspect Montion was talking on a cellular phone. Suspect Montion handed the cellular phone to Witness [redacted] and told her to talk to his (Suspect Montion's) girlfriend. Witness [redacted] spoke to an unknown female on the cellular phone.

The female told Witness [redacted] to leave the house and not to call the police. The female asked Witness [redacted] for her address so she could pick up Suspect Montion. After the conversation, Witness [redacted] gathered her children and left the residence. Witness [redacted] could see deputies on her street and she approached one of them and explained what happened.

Witness [redacted] was in the residence with Suspect Montion for approximately ten minutes. During that time she did not see a weapon but noticed Suspect Montion holding his waistband. Witness [redacted] stated Suspect Montion was walking around the residence and it appeared to her, that he was locking the doors and windows.

For complete statements made, more information, and precise wording, see the attached verbatim interview transcriptions.